Remarks

The present amendment is in response to the action mailed in the above-referenced case on October 27, 2003. Claims 1-28 are presented for examination. The Examiner objects to the drawings under 37 CFR 1.84(p)(5). The disclosure is also objected to by the Examiner. Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph. Claims 1-6, 8, 9, 15-20, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wils et al. (US 6,397,260) hereinafter Wils, in view of Wilford et al (US 6,111,877) hereinafter Wilford. Claims 7 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wils, Wilford and further in view of Cohen (US 2002/00978736) hereinafter Cohen. Claims 10-12, 14, 24-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wils, Wilford and further in view of Lawler (US 5,978,951) hereinafter Lawler. Claims 13 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wils, Wilford, Lawler and further in view of Cohen.

Applicant has carefully studied the Examiner's rejections, objections and statements in the Office Action. In response applicant herein amends the specification and provides red-line drawing corrections to overcome the drawing objections and the objection to the specification. Applicant further presents arguments which clearly distinguish applicant's claimed invention over the art of Wils and Wilford.

Regarding the 112 rejection, the Examiner states that claims 1 and 15 are rejected because they recite the limitation "the data" in line 3. The Examiner states there is insufficient antecedent basis for this limitation in the claims. Applicant respectfully disagrees. The preamble for claims 1 is reproduced as follows; "*A method of transferring data on a network, said network including a plurality of nodes connected by a plurality of links, at least one node being connected to more than one link over which the data can be transferred out of the at least one node, the method comprising:*"

Applicant point out that "transferring data" is presented in line 1, and line three refers to "the data". Applicant argues that the word "transferring" in line one is a verb, not an adjective for "data". Applicant argues that the same reasoning is valid for claim 15. Therefore, the 112 rejection of claims 1 and 15 should be withdrawn.

Regarding the rejection of claims 1 and 15, the Examiner states that Wils teaches a plurality of nodes connected by a plurality of links. Applicant disagrees with the Examiner's interpretation of Wils. Applicant argues that the art of Wils does not teach multiple links. Applicant points out to the Examiner that the specification of Wils does not provide any teaching of links between nodes. Wils discloses load balancing between identified nodes in a network. Wils teaching is limited to the "nodes". Wils does not provide teaching at the level of links or paths between the nodes.

The Examiner states that Wils discloses providing the data with identifying portion which identifies a source node and destination node for the data (col. 2, line 66-col. 3, line 9 and col. 7, lines 55-58). Applicant respectfully disagrees with the Examiner. The portions of Wils in column 2 and 3, relied upon by the Examiner, specifically state that the forwarding route is identified by an IP address, and the source nodes and routers employ ARP to exchange address requests and response messages. The source address is examined, and routers return identifiers to be used for addresses for the routers. Applicant claims "providing the data with an identifying portion which identifies a source node and a destination node for the data". Applicant argues that router identifiers as disclosed in Wils are not "destination node addresses" as claimed. Applicant's claim 1 also recites assigning router identifying values which are not "destination node addresses" as claimed.

Applicant's specification teaches that the hashing operation of the invention operates on both specific fields in the data packet (source node and destination node) and an additional input value that is unique to each router.

For example, the additional input value can be a single constant value configured in each router, or can be a portion, e.g., the low-order bits, of the IP address of the router. Hence, in one embodiment, the hashing operation can be performed on the source ID and destination ID of the packet being transferred and the IP address of the router. The hash operation produces a result that is unique to each router, even though the operation is performed for the same packet. Applicant points out that applicant claims a unique router *value* which is used in a hashing function. Wils teaches an *identifier* which cannot be used in a hashing procedure.

The Examiner admits that Wils fails to teach using the identifying portion of the data to generate a link selection value which identifies one of the more than one of the connected to the at least one node to transfer the data out of the at least one node. The Examiner relies on the art of Wilford to teach using the identifying portion of the data (source and destination addresses) to generate a link selection value which identifies one of the more than one links connected to the at least one node to transfer data out of the node, so that the order of packets is preserved.

Applicant respectfully argues that Wilford also fails to disclose using "destination node addresses" in a hashing function with a node value to determine a link for exiting data. Therefore, applicant argues that the 103 rejection asserted by the Examiner for claims 1 and 15 fails to prove a valid prima facie case of rejection.

Applicant believes claims 1 and 15 are patentable over the art presented by the Examiner as argued above. Claims 2-14 and 16-28 are patentable on their own merits, or at least as depended upon a patentable claim.

As all of the claims standing for examination have been shown to be patentable over the rejection and objections of the Examiner, applicant respectfully requests reconsideration and that the present case be passed

respectfully requests reconsideration and that the present case be passed quickly to issue. If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Respectfully Submitted,

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